



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

March 28, 2011

Kerry Sutton  
Freedom of Information Officer  
Illinois State Police  
801 S. Seventh St.  
Suite 1000-S  
Springfield, IL 19461

RE: Pre-Authorization Request — 2011 PAC 13058

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request dated March 3, 2011, in which he sought all documents concerning an incident that occurred on October 21, 2006. In its written notice, the ISP asserted that suspects' names and a date of birth are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

**Determinations**

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." *Id.* The exemption defines "[u]nwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

The ISP's use of the exemption in Section 7(1)(c) to withhold the names of suspects, who have not

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been arrested, and a date of birth is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

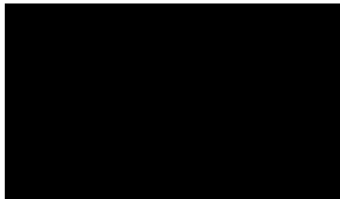
As such, the ISP may issue a partial denial letter directly to the requester and release the report with the appropriate information redacted. If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

*Sarah Kaplan by EK*

Sarah Kaplan  
Assistant Public Access Counselor

cc:



*13058 Pre-auth at 71c sus priv dob sa*